

**Call to Order:**

The meeting was called to order at 7:37 p.m. Present were Chair, Joan Duff, and members Vincent Chiozzi and John McDonnell (arrived at 8:10 pm), Mark Yanowitz, (arrived at 7:48 pm), and associate member, Jay Doherty; also present was Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

**Fall Town Meeting 2010:****Easement From Town To School Department – Bancroft School & Bancroft School Appropriation:**

The Board opened the discussions for the Fall Town Meeting Warrant Articles for Bancroft School. Mark Johnson, Chair of the School Building Committee, acting on behalf of the School Building Committee (SBC), reviewed a PowerPoint presentation which included the current condition of the school, and an overview of the feasibility study which was conducted. He reviewed the K-5 schematic design which was submitted to the State, and noted that he anticipated approval from the State on November 17, 2010. Mr. Johnson reviewed the warrant article, the cost for construction, the reimbursement rate and on-site improvements. Ms. Duff asked how they would handle the safety of the children during the construction. Mr. Johnson reviewed the safety features that would be in place before construction starts and during the construction. Thomas Garesche, of 14 West Knoll Road, expressed concern that this will be the largest school in town on the smallest lot; he was also concerned with grading issues, traffic, the extension of the cul-de-sac and the change in use of West Knoll Road. Mr. Garesche further noted that, in his opinion, the improvements to the section of West Knoll Road from Main Street to the cul de sac would be costly and would be borne entirely by the taxpayers. Mr. Materazzo noted that Mr. Garesche raised some good points which can be addressed by the Board during the Site Plan Review process. He noted that the matter currently before the Board for consideration was the Bancroft School appropriation, and not a review of the formal site layout. Mr. Johnson noted the SBC will be filing with the Board for a Site Plan Review for the proposed new school following Town Meeting. Following a detailed discussion on the proposed warrant articles the Board closed the discussions.

**Private Warrant Article to Purchase 3 Blanchard Street:**

The Board opened the discussion for the Fall Town Meeting Private Warrant Article P-1 to purchase 3 Blanchard Street. Don Bornstein of 10 Avon Street, President of Andover Soccer Association, gave an overview of the warrant article that was submitted at Spring 2010 Town Meeting, and reviewed the changes to the new plan design which could be built if purchased and funded by the Town. He also noted that the Soccer Association has been working with the property owner to acquire the property, and discussed the improvements to the existing plan the acquisition would provide. Mr. Materazzo noted that the Board looked favorably on the article at the 2010 Spring Town Meeting because it improved safety on Bancroft Road, access, circulation and parking. Following a detailed discussion on the private warrant article the Board closed the discussion.

**Grant Application For Foster's Pond Conservation Land:**

The Board opened the discussion for the Fall Town Meeting Warrant Article to allow the Town of Andover to accept a Land Grant and to affirm that the land will be permanently protected, and under the care and control of the Conservation Commission. Mr. Materazzo reviewed a memo to

**Grant Application For Foster's Pond Conservation Land (cont.):**

the Board from Robert Douglas, Director of Conservation that outlined the Spring 2010 Town Meeting Article which authorized the purchase of two parcels on Fosters Pond. He explained the current warrant article which would allow for reimbursement of \$259,600 of the purchase price. Following a brief discussion the Board closed the discussion.

**Town Meeting 2011:****Cluster Development Bylaw:**

The Board took up the discussion that was continued from the Oct. 26<sup>th</sup> meeting regarding the proposed amendments to the Cluster Development Bylaw. Ms. Byerley reviewed her memo to the Board dated November 9, 2010, which included the first draft of the amendments to the Cluster Development Bylaw. The Bylaw will now be known as Open Space Residential Development (OSRD). Ms. Byerley reviewed the proposed changes per the Board's discussion from the Oct. 26<sup>th</sup> meeting. Mr. Chiozzi questioned the percentage of wetlands vs. uplands allowed to count as buildable lot area, as well as the percentage allowed in the open space area. Following a detailed discussion of the proposed changes the Board continued the discussion until the Dec. 14<sup>th</sup> meeting.

**Parking Regulations:**

The Board opened the discussion that was continued from the Oct. 26<sup>th</sup> meeting concerning the proposed amendments to the Parking regulations and the Table of Off-Street Parking requirements in the Zoning by-law. Mr. Materazzo reviewed Ms. Schwarz's memo to the Board dated November 9, 2010 which included 6 proposed changes to Appendix A, Table 3, Section 5.1.4 of the zoning by-laws : Table of Off-Street Parking Requirements. A map of the downtown area was included in Ms. Schwarz's memo. Mr. McDonnell questioned if the parking requirements for banks are too high and suggested staff do a comparative analysis to determine the usage of the parking lots at CVS, Butler Bank, Enterprise Bank, Northmark Bank, and the Rugged Bear. The Board discussed the current and the proposed parking requirements, asked what the vacancy rate was for downtown. The Board agreed to continue the discussion until the Dec. 14<sup>th</sup> meeting.

**Subdivision Rules and Regulations:**

The Board opened the public hearing to consider amendments to the Planning Board's Rules and Regulation Governing the Subdivision of Land. Ms. Byerley reviewed her memo to the Board dated November 8, 2010 which included draft language of the amendments that was reviewed by the Board at the October 12<sup>th</sup> meeting. Ms. Byerley reviewed the proposed changes as outlined in her memo to the Board:

Section II-Definitions for Lot, Street and Way were added. These definitions are from the Zoning Bylaw. (pages 3 & 4)

Section III-Procedures for submission of plans and plan requirements

Removing filing fees (page 6, 7 & 9)

Removing original mylar submission requirement section III.E.3.c (page 9)

**Subdivision Rules and Regulations (cont.):**

Adding a requirement for a certified abutters list from the neighboring communities Section III.E. 3.b-(page 9)

Section V-Planning Board conditions and releases of condition

Section B.5.e – adding the requirement of the lot and street layout sheets must be submitted within 30 days after the 20 day appeal period. (page 22)

Section VI-Design Standards

Revising zoning compliance of Lots (page 28)

Adding Local Street classification (page 29-30)

Revising existing building nonconformity (page 29)

Adding Local Street standards (page 31-32)

Adding waiver request to sidewalks along with clean up of sidewalk section (pages 35)

Adding Local Streets to Drainage section (pages 38)

Section VII-Construction Standards

Revision to water main requirement from waterline to water main (page 43)

Revision to side underdrain requirement (page 44)

Adding berm and curb requirement for Local Streets (page 46)

Relocation of mandatory sidewalk requirement to Section VI, (page 35)

Adding no street tree requirement for Local Street (page 47)

Ms. Byerley noted that on page 3, the Right-of way and street standards are different than those the Board previously reviewed. Ms. Byerley stated the changes were due to concerns expressed by the Fire Department. Ms. Byerley noted that she is working with DPW on the graphics. The Board discussed the requirements in local and minor streets and reviewed the graphics in the Subdivision Rules and Regulations.

On a motion by Mr. McDonnell, seconded by Mr. Doherty, the Board voted to continue the public hearing to consider amendments to the Planning Board's Rules and Regulation Governing the Subdivision of Land until December 14<sup>th</sup> at 7:30 p.m. **Vote:** Unanimous (5-0)

**Reynolds Street:**

Chairman Duff announced that the Reynolds Street discussion would not take place tonight but would be rescheduled to the December 14<sup>th</sup> meeting, at the request of the applicant.

**Merrimack Estates:**

Ms. Byerley reviewed her memo to the Board dated November 8, 2010. The developer has requested permission to amend Condition # 46 of the Board's approval to allow clearance certificates for lots 18 and 19 prior to the planting of the evergreens trees. Ms. Byerley noted the evergreen trees are to act as a buffer to the abutting property of the proposed development, and

**Merrimack Estates (cont.):**

the abutter Robert Spengler and the developer Edward Doherty have submitted a letter dated Oct. 15, 2010 agreeing that plantings would take place after the lots have been cleared for construction.

On a motion by Mr. Chiozzi seconded by Mr. McDonnell the Board voted that the modification request outlined in Ms. Byerley memo to the Board dated November 8, 2010 be considered a minor modification. **Vote:** Unanimous (4-0)

On a motion by Mr. Chiozzi seconded by Mr. McDonnell the Board voted that the modification request outlined in Ms. Byerley memo to the Board dated November 8, 2010 be approved. **Vote:** Unanimous (4-0)

**I-93 Update:**

The Board opened the discussion on the proposed I-93 Interchange. Chris Huntress, Chairman of the Lowell Junction Task Force Committee, reviewed a PowerPoint Presentation that included an overview of the project including the interchange location, town boundaries, the Tri-Town task force meetings, the Form Base Code, and the State MEPA process. Mr. Huntress also reviewed the three (3) alternatives that were moved forward for further study by the State. He noted that the issue of local access on the west side of the highway in Tewksbury would not stop the project from moving forward if all three communities agreed that the proposed configuration was acceptable. He noted that Tewksbury has been consistent in their position that local access onto South Street is not an option. Mr. Huntress noted the Task Force supports the tight diamond configuration with the 7 off-site mitigation proposals outlined in a handout (not dated) to the Board. Mr. McDonnell discussed the procedural process for MEPA and the preferred alternative. Mr. Yanowitz questioned what traffic improvements in Andover would be due to Tewksbury opposition to local access. Mr. McDonnell discussed the current traffic patterns, the improvements to local streets and noted that Tewksbury has agreed to a gated emergency access. Michael Papa, of 2 Messina Drive, spoke in favor of the project but expressed his concern that Tewksbury won't allow local access. He was also concerned about the possibility that the land in Tewksbury could become a destination mall and the impact that might have on Andover streets. Mr. Huntress noted that the Form Base Code does not allow for a retail mall, and all three towns have to agree on the Form Base Code. Mr. Materazzo noted the Tri-Town Task Force is working with their respective Town Counsels to make the Form Base Code legally binding. Kelly O'Kelly, a member of the Lowell Junction Task Force, expressed concern that the I-93 ramp will be built with no Form Base Code. Mr. Huntress noted that even with a no build situation, the interchange improves traffic on local streets. Mr. Materazzo noted that the existing zoning in all three communities is in excess of what can be built under the Form Base Code.

**Fall Town Meeting Warrant Articles:****Easement From Town To School Department – Bancroft School & Bancroft School****Appropriation:**

The Board took up the deliberations on the Warrant articles for an Easement from the Town to the School Department and the Bancroft School Appropriation. Mr. Materazzo reviewed the warrant article language to transfer the care, custody and control of a portion of the land shown on Assessors' Map 59, lot 20 to the Board of Selectmen for the purpose of granting an easement to the School Department. On a motion by Mr. McDonnell seconded by Mr. Yanowitz the Board voted to recommend approval for the easement from the town to the school department.

**Vote** (4-1) Mr. McDonnell, Ms. Duff, Mr. Yanowitz and Mr. Doherty, voting yes; and Mr. Chiozzi voting no.

On a motion by Mr. McDonnell seconded by Mr. Yanowitz the Board voted to approve the Bancroft School warrant article as read into the record by Ms. Duff, Chairman with the understanding the School Building Committee will submit plans to the Planning Board for review and recommendation as outlined in the Site Plan Review for Dover Uses.

**Vote:** Unanimous (5-0)

**Grant Application For Fosters Pond Conservation Land:**

The Board took up the deliberation for the Fall Town Meeting Warrant Article to allow the Town of Andover to accept the Land Grant and to affirm that the land will be permanently protected, and under the care and control of the Conservation Commission. On a motion by Mr. Chiozzi seconded by Mr. McDonnell the Board voted to approve the warrant article for the Grant Application for Fosters Pond Conservation Land as submitted. **Vote:** Unanimous (5-0)

**Private Warrant Article to Purchase 3 Blanchard Street:**

The Board took up the deliberation for the Fall Town Meeting Private Warrant Article P-1 to purchase 3 Blanchard Street. On a motion by Mr. Chiozzi seconded by Mr. McDonnell the Board voted to recommend approval of the private warrant article to purchase 3 Blanchard Street. **Vote:** Unanimous (5-0)

**Adjournment:** The Board voted to adjourn the meeting at 10:29 p.m.